

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Land – Ranga Reddy District – Revision Petition filed by Sri.Kummari Ramulu S/o.Late Kummari Kistaiah, & others Dated:28.3.2011, U/S, 158 (TA) Land Revenue Act, 1317 F against the orders of the Collector issued in Pro.Lr.No.E5/4287/2004, Dated:29.11.2004 – Not admitted on the ground of time limitation- Orders- Issued.

REVENUE (ASN.V) DEPARTMENT

G.O.Ms.No. 60

Dated: 27.01.2012

Read the following:-

- 1). Revision Petition filed by Sri.Kummari Ramulu S/o.Late Kummari Kistaiah, & others Dated:28.3.2011, U/S, 158 (TA) Land Revenue Act, 1317 F
- 2) From the Government Pleader for (Asn) A.P.H.C Lr.WP.34609/11/KR/Rev(A) Dated:27-12-2011.
- 3). Govt., Memo.No.53953/L.Reforms/2011-1, Dated:29.12.2011.
- 4). From the Government Pleader for (Asn) A.P.H.C Lr.WP.34609/11/ KR/Rev(A) Dated:19-1-2012.

ORDER:

In the reference 1st read above, Sri.Kummari Ramulu, S/o.K.Kistaiah, & others have filed Revision Petition before the Government, U/S, 158 (TA) Land Revenue Act, 1317 F against the orders of the orders of Collector issued in Pro.Lr.No.E5/4287/2004, Dated:29.11.2004.

2. Brief facts of the case:

3. As perused from the enclosures the petitioners before preferring Appeal in the Government, have filed a Revision Petition before the Commissioner of Appeals against, the orders issued in letter.No.E5/4287/2004, Dated:29.11.2004., by the Collector, Ranga Reddy District, in issuing NOC for the registration of the land in favour of others, originally belonging to the applicants, as illegal, arbitrary and violative of Act 9 of 1977 r/w A.P. Rights in Land in Pattadar Pass Book Act 1971.

4. The Commissioner of Appeals while disposing the Revision Petition has opined that the appeal filed by Sri.K.Ramulu and 7 others before him after a lapse of more than (5) years on the Memo. Issued by the District Collector, Ranga Reddy Dated:29.11.2004 in which the District Collector, has issued NOC for assigned land in favour of the respondents herein in Sy.No.25/1 total extent 32.07 Cts., situated in Pet Basheerabad Village of Qutubullapur Mandal, Ranga Reddy District for Sale/Registration purpose, subject to certain conditions and his court do not have jurisdiction over NOC for sale/ Registration purpose and it attracts the Prohibition of Transfers (POT) Act, and while returning the original papers filed therein , advised the Counsel for the Petitioner to file appeal or Revision Petition before the appropriate forum i.e., Government.

5. Accordingly in the reference 1st read above, the Petitioner has filed the Revision Petition.

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6. In fact the original Revision Petition said to have been filed before the Government, has not been received in the appropriate section, in which the subject matter has to be dealt. Further a copy of the Revision Petition has been obtained from the Hon'ble High Court of A.P., so as to comply with the orders of Hon'ble of A.P. and examined the same as per the existing rules in force.

7. Mean while the petitioner has also filed Writ Petition before the Hon'ble High Court of A.P., in W.P.No.34069/2011, and the Hon'ble High Court of A.P., has posted the matter on 30.12.2011, and vide Memo.Dated:29.12.2011, the Government Pleader for Revenue (Assignment), A.P.H.C., Hyderabad., has requested to enter appearance before the High Court of A.P., and take one month time to submit a report to the High Court of A.P., on the pendency of the Revision Petition, and the Government Pleader, through the reference 4th read above has informed that the above Writ Petition came up for hearing before the Hon'ble Ms. Justice G. Rohini on 18.01.2011. As per his request, the Hon'ble Court finally granted time till 1.2.2012, directing the respondents to file counter affidavit, informing the stage of the appeal filed by the petitioners before the Government without fail.

8. After gone through the issue, and without going into merits of the case, it was observed that, as per section 158 (TA) Land Revenue Act-1317 F, an appeal shall lie to the Government from any decision or order passed by a Collector, or settlement Commissioner except in the case of any decision or order passed by such officer on second or third appeal.

9. However the period of limitation for the Appeal preferred under section 158 with in 60 days against the order or decision of an officer lower in rank to a **Collector, and settlement Commissioner, and in all other cases, 90 days.**

10. In view of the time limitation prescribed according to the Act, the Revision Petition, which was filed by Sri. Kummari. Ramulu. S/o. Late Kummari. Kistaiah & others after a lapse of more than five years, i.e., the Collector passed orders on 29.11.2004, and the petitioner has filed Revision Petition on 23.3.2011., the period is much beyond the limit prescribed. The Revision Petition deserves no consideration, and not feasible for admission.

11. Therefore, the Revision Petition filed by Sri.Kummari Ramulu, is hereby, rejected on the grounds of time limitation.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri.Kummari Ramulu, S/o.Late Kummari Kistaiah, through M/s J.Ramachandra Rao., S.Santosh Kumar and T.Srikanth Rao.,H.No.3-5-798, Flat No.401, Prathima Residency, OPP:Bharatiyavidya Bhavan, King Koti Road, Hyderabad.

The Collector, Ranga Reddy District.

The Spl.CS & CCLA, Hyderabad.

The Government Pleader for Revenue(Assignment) A.P.H.C.,Hyderabad.

Copy to:

The Commissioner of Appeals, O/o. the C.C.L.A., Hyderabad.

Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER